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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT		Docket Number: 395/35	
Application Number 09/510,562	Filing Date February 22, 2000	Examiner D. Guzo	Art Unit 1636
Invention Title METHOD OF SCREENING FOR PROTEIN INHIBITORS AND ACTIVATORS		Inventor(s) Gerard M. HOUSEY	

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Date: August 5, 2005

Signature: Lawrence P. Casson (Reg. No. 46,606)

SIR:

1. In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and in conformance with the procedures of 37 C.F.R. §§ 1.97(c) and 1.98 and M.P.E.P. § 609, Applicant hereby brings the attached documents to the attention of the Examiner.
2. *Bayer AG v. Housey Pharm., Inc.*, 128 Fed. ___, 2005 U.S. App. LEXIS 5419 (Fed. Cir. Apr. 4, 2005) concerns U.S. Patents that issued from applications to which the instant application claims priority ("the Housey patents") under 35 U.S.C. § 120. Clear error was found in the district court's determination of inequitable conduct (*Bayer AG v. Housey Pharm., Inc.*, 2003 U.S. Dist. LEXIS 22411 (D. Del. Dec. 4, 2003)) which was unanimously vacated and remanded.
3. In *Bayer AG v. Housey Pharm., Inc.*, (D. Del. Nov. 12, 2002), the district court conducted a Markman hearing to construe several limitations present in claims of the Housey patents. (*See*, Memorandum Order). *Housey Pharm., Inc. v. Astrazeneca UK Ltd.*, 366 F.3d 1348 (Fed. Cir. May 7, 2004) was limited to review of the district court's construction of "inhibitor or activator of a protein," which limitation is not found in any pending claims.
4. The Decision of the Technical Board of Appeal of the European Patent Office in case T 0729/00 3.3.4 revoked a counterpart European patent for lack of inventive step based on claims containing the limitation "inhibitor or activator of a protein," which limitation is not found in any pending claims.

5. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).
6. It is believed that no fees are due in connection with this Information Disclosure Statement. However, should any fees be due, the Commissioner is authorized to charge Deposit Account No. **11-0600** of **Kenyon & Kenyon** for such fees. A duplicate copy of this communication is enclosed for charging purposes.

Dated: August 5, 2005

By: 

Lawrence P. Casson (Reg. No. 46,606)

KENYON & KENYON
One Broadway
New York, N.Y. 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)